



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Battle Mountain District Office  
50 Bastian Road  
P.O. Box 1420  
Battle Mountain, NV 89820

IN REPLY REFER TO:

4400  
(NV064.21)

*[Handwritten signature]*

OCT 20 1984

CERTIFIED MAIL No.: (P 870 695 874)  
Return receipt requested

Filbert Etcheverry  
Eureka Livestock Co.  
7805 Calloway Dr.  
Bakersfield, CA 93312

### AREA MANAGER'S FINAL MULTIPLE USE DECISION FOR THE THREE BARS ALLOTMENT

The Record of Decision for the Shoshone-Eureka Environmental Impact Statement and Resource Management Plan (RMP) was issued on March 10, 1986. A subsequent RMP Amendment and Record of Decision was issued November 6, 1987. These documents established the multiple use goals and objectives which guide management of the public lands within this allotment. The Rangeland Program Summary (RPS) was issued in December, 1988 which further identified the allotment specific objectives for the Three Bars Allotment.

As identified in the Shoshone-Eureka Land Use Plan (LUP) and RPS, monitoring was established on this allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established by the LUP. Monitoring data has been collected in this allotment since 1986 and has been analyzed through the allotment evaluation process to determine progress in meeting multiple use objectives for this allotment, and to determine what changes in existing management are required in order to meet these objectives.

Protest letters and comment letters were received pertaining to the Three Bars Proposed Multiple Use Decision (PMUD). Copies of these letters can be found in section IV of the allotment evaluation file located in the Shoshone-Eureka Resource Area. All allotment specific comments were carefully considered for incorporation into the Final Multiple Use Decision (FMUD). The points of protest received are addressed as follows:

Wilson and Barrows on behalf of Eureka Livestock-Filbert Etcheverry states that the data used in the evaluation is outdated and there is no trend data to assist in drawing conclusions for other earlier data.

The proposed management changes will impose operational hardships on the permittee including removal of livestock within the specified time limits, and seasonal use changes in Meadow and Cottonwood Pastures. The permittee does not feel there should be any operational changes until range improvements are completed.

The Bureau is within its regulations to adjust AUMs and management practices based upon monitoring data. The Bureau has made some adjustments from the PMUD and they are identified in the Livestock Grazing Management Decision below. The Bureau believes that the specified time for livestock removal from a pasture is adequate. Construction of range improvements prior to implementing management changes is not needed. The Bureau believes sage grouse areas can be avoided during critical periods through the combination of herding, hauling water, and salting. There is the potential for drift problems and they will be examined on a case-by-case basis.

Eureka County Commissioners Public Lands Advisory Council addressed four points: Ecological condition and trend data were not adequately collected nor were they used as a basis for the decision; Decrease in big game numbers could be a result of factors other than over-grazing; A 27% - 32% cut in wild horse numbers was suggested; and monitoring data should not be used for further evaluations if there is no guarantee it will be collected in the future.

The Bureau is within its regulations to adjust AUMs and management practices based upon monitoring data. The bureau will continue to collect data with approved methods for future evaluations. Monitoring data indicates wildlife are not contributing significantly to over-utilization of vegetative resources. Determination of adjustments for livestock and wild horses are based on the weighted average for livestock and average actual use and estimated use for wild horses and is an approved Bureau method and State policy. An annual census is adequate to provide needed data, without being cost prohibitive.

The Commission for the Preservation of Wild Horses - Catherine Barcomb states in review of the final evaluation and PMUD, they find the following errors: Livestock carrying capacity and the appropriate management level for the Roberts mountain herd are flawed. Restricting the Roberts Mountain wild horse herd has not complied with the National Environmental Policy Act.

Determination of adjustments for livestock and wild horses are based on the weighted average percent utilization calculation, using active preference for livestock and average actual and estimated use for wild horses and is an approved Bureau method and State policy. An annual census is adequate to provide needed data, without being cost prohibitive. The National Research Council, National Academy of Sciences stated on page 44 of its Final Report on wild and free roaming horses and burros, that annual censuses are not necessary. The Bureau has also completed seasonal distribution studies on wild horses.

The specific multiple use objectives for the Three Bars Allotment are listed below:

- A. Vegetation and Ecological Condition:
  - 1. Utilization not to exceed 50% on key species by seed dissemination, and 60 % by end of grazing year.
  - 2. In the long term, improve 11,612 acres to good, and 557 acres to excellent condition.
  - 3. In the long term, stop downward trend on 3,838 acres, and manage for upward trend on 12,745 acres.
- B. Livestock Use:
  - 1. In the short term, manage use at 6,330 AUMs.
  - 2. In the long term, manage use at 7,465 AUMS (5,373 AUMS for cattle, and 2,265 AUMS for sheep) in conformance with other objectives of the RMP.
- C. Wildlife Use:
  - 1. Fenced meadows will receive no livestock utilization until riparian habitat has achieved good condition; thereafter, utilization will not exceed 35% on sedges and grasses. This level equates to a residual stubble height of 4 to 6 inches, which will provide sufficient biomass to meet requirements of plant vigor, bank protection, and sediment entrapment.
  - 2. Unfenced riparian habitat will be improved and managed in good condition; utilization will not exceed 50% on key species. Management objectives in the short term are to improve and maintain in good condition 78 acres of riparian habitat.
  - 3. Utilization of key browse species will not exceed 50 % of the current year's growth in all terrestrial big game habitat.
  - 4. In the long term, provide habitat to support 1,415 AUMS of big game use, in conformance with other objectives of the RMP.
  - 5. In the long term, within the Simpson Park habitat Management Plan Area, improve 1,724 acres of terrestrial big game habitat to good, and 83 acres to excellent condition. Stop downward trends on 570 acres and manage for upward trends on 1,893 acres.
  - 6. In the long term, within the Roberts Mountain HMP area, improve 5,075 acres to good, and 243 acres to excellent condition. Stop downward trends on 1,678 acres, and manage for upward trends on 5,570 acres.
  - 7. Manage rangeland habitat to maintain or enhance vegetative conditions in sage grouse strutting-nesting and brood rearing areas in conformance with other objectives of the RMP.

- D. Wild Horses:
1. Initially manage to provide 540 AUMS of forage within the Three Bars Allotment portion of the Roberts Mountain Herd Use Area.
  2. Maintain or improve wild horse habitat in a condition which enhances their wild and free-roaming behavior, in conformance with other objectives of the RMP.
  3. Maintain or improve wild horse habitat by ensuring free access to water, in conformance with other objectives of the RMP.

ACTIVITY PLAN OBJECTIVES LISTED BELOW

- A. Simpson Park Habitat Management Plan:
1. Not completed.
- B. Roberts Mountain Habitat Management Plan:
1. To protect and improve the quality of upland meadows.
  2. To protect and improve the quality of stream and riparian habitat.
  3. To protect and develop where necessary springs and associated meadows.
  4. To retain 20 to 30 % canopy coverage of sagebrush on sage grouse range, excluding upland meadows.
  5. To retain an undisturbed area within a 2-mile radius of all sage grouse breeding complexes.
  6. Provide forage for 1710 mule deer (2992 AUM) from April 1 to October 31 and for 480 wintering mule deer (600 AUM) from November 1 to March 31.  
[NOTE:THESE FIGURES ARE A TOTAL FOR THE 3-BAR AND PORTIONS OF THE ROBERTS MOUNTAIN ALLOTMENTS.  
3-BAR FIGURES ARE AS FOLLOWS:  
4/1-10/31--667 mule deer--1167 AUM  
11/1-3/31--200 mule deer-- 260 AUM]
  7. To improve quality and quantity of browse, forbs, and spring grass availability on mule deer range, particularly on summer use areas.
  8. To monitor critical habitat, such as streams, riparian zones, raptor nest sites, meadows, sage grouse strutting grounds, and key mule deer range.

THREATENED AND ENDANGERED PLANTS

- A. There are no known threatened and/or endangered plant species within the allotment.

THREATENED AND ENDANGERED ANIMAL SPECIES

- A. No threatened or endangered animal species are found within the Three Bar allotment, Two candidate species, the ferruginous hawk and the Northern Goshawk have been sighted hunting here; both species nest either in the allotment or in the neighboring Roberts Mountain allotment.

Through the allotment evaluation process it was determined that the following vegetation objectives were not fully being met and the key browse species objectives were not met, indicating that a change in existing management is required in order to meet all of the multiple use objectives for this allotment:

Vegetation and Ecological Condition:

A1- Average utilization during the evaluation period did not meet RPS objectives in Cottonwood and Meadow pastures (See appendix D). Additionally, use maps show repeated heavy use of the Cottonwood, Meadow, and Jackass drainages. Therefore, this objective has not been met.

A2- Ecological condition data was collected one time, therefore it cannot be determined whether this objective was met or not.

A3- Ecological condition data was only collected once and frequency data collected at five key areas is inconclusive, therefore it cannot be determined whether this objective was met or not.

LIVESTOCK:

B1- Livestock use from 1985-1990 averaged 5,479 AUMS (sheep 2,057 & cattle 3,422) with the highest use being 6,115 AUMS. This is under the LUP objective of 6,330 AUMS. By not exceeding the levels outlined in the Land Use Plan, this objective has been met.

WILDLIFE:

C1- Fenced meadows are receiving severe livestock use. This objective is not being met.

C2- More than 50% of riparian vegetation is being used in unfenced areas. There are no acres of riparian habitat in good condition. (Good condition = no heavier seasonal use than 35% of the current year's growth, and a remaining stubble height of 4 to 6 inches). This objective is not being met.

C3- Utilization of key browse species exceeds 50% in all areas sampled in the past 3 years. This objective is not being met.

C4- Existing big game numbers have declined by 40% since the RMP was written and the forage needs for the reasonable numbers stated therein are farther than ever from being realized. This objective is not being met.

C5- Sage grouse strutting-nesting areas have declined in quality; the decline is proportionate to that of the area population decline. Insufficient nesting cover and forb percentage in the composition are held responsible factors. Wet meadows and riparian areas in the primary brood rearing areas are in poor condition due to overgrazing, trampling and lowered water tables. (Use over the levels stated in Item 2 reduce condition of riparian areas to Poor if maintained a season.) The RMP sage grouse objective is not being met.

#### WILD HORSES

D1- Objective 1 is being met. Aerial census records throughout the evaluation period show wild horses grouped in the southern portion of the HMA, in the Coils Pasture/Kobeh Valley area. Horse use averaged 668 AUMs during the ten year monitoring time period. Use pattern maps formulated for the Coils Pasture throughout the monitoring process reflect only slight to moderate use within the Coils Pasture.

D2- Objective 3 is being met. Due to range improvements and mining activity, horses concentrate within the southern portion of the HMA. Water sources in the north-central portion of the HMA are not always available, as horse movement to this portion of the HMA is often impeded.

Within Coils Pasture, only Mud Spring has water available on a year around basis. This spring is not located within the Three Bars Allotment. It is in the adjoining Roberts Mountain Allotment, within the Kobeh Valley, and is not fenced from the Three Bars Coils Pasture. Other water sources within Coils Pasture are controlled by the permittee. Lack of water within Coils Pasture causes horses to extend into Roberts Mountain Allotment, as stated above and also southward, outside the Roberts Mountain HMA boundary.

#### ACTIVITY PLAN OBJECTIVES:

- A- Roberts Mountain Habitat Management plan:  
1-8) No objectives have been achieved yet.

Through the consultation, coordination, and cooperation process (CCC), your input as well as input from other affected interests has been considered in the allotment evaluation process. As a result of evaluation conclusions and after consideration of input received through CCC, and in order to meet multiple use objectives established by the LUP, the following decisions are necessary:

#### WILDLIFE MANAGEMENT DECISION

Based on the information provided in the allotment evaluation, the technical recommendations of my staff, the input provided by the permittees, NDOW, and other interested parties, no wildlife management decision is necessary.

#### LIVESTOCK GRAZING MANAGEMENT DECISION

Based on the information provided in the allotment evaluation, the technical recommendations of my staff, and the input provided by the permittees and other interested parties, it is my decision to implement the following changes in livestock management within this allotment.

In accordance with 43 CFR 4110.3, 4110.3-2(b); 4110.3-2(c), and 4130.6-1(a), the current authorized livestock active use shall be decreased by 2,666 AUMS; 1,776 into suspension and 890 into temporary nonuse for conservation/protection purposes. The allotment will follow a rest-rotation grazing system.

**AUTHORIZED LIVESTOCK USE:**

<b>FROM:</b> Permittee	Season of use	Total Pref.	Susp.	Act. Pref.
Eureka Livestock				
Cattle	03/01-11/30	7149	2045	5104
Sheep	04/01-10/30	3027	876	2151
-----		Totals	2921	7255

<b>To:</b> Permittee	Season of use	Total Pref.	Susp.	Nonuse For CP*	Act. Pref.
Eureka Livestock					
Cattle	03/01-10/30	7149	3288	623	3212
Sheep	04/01-10/30	3027	1409	267	1377
-----		Totals	4697	890	4589

\*conservation purposes

The four-year rest rotation is as follows:  
Eureka Livestock Co. (Filbert Etcheverry)

<b>Year 1:</b>	<u>PASTURE</u>	<u>Period of Use</u>	<u>Active AUMs</u>
	Basin	03/01-06/15	2126
	Horse	05/16-09/01	2330
	Cottonwood	08/01-10/30	1510
	Coils	03/01-10/30	400
	Meadow	-----rest-----	
	Totals		6366

<b>Year 2:</b>	<u>PASTURE</u>	<u>Period of Use</u>	<u>Active AUMs</u>
	Horse	03/01-06/15	2126
	Basin	05/16-09/01	2330
	Meadow	08/01-10/30	1510
	Coils	03/01-10/30	400
	Cottonwood	-----rest-----	
	Totals		6366

Year 3:	<u>PASTURE</u>	<u>Period of Use</u>	<u>Active AUMs</u>
	Basin	03/01-06/15	1811
	Meadow	05/16-09/01	1983
	Cottonwood	08/01-10/30	1283
	Coils	03/01-10/30	400
	Horse	-----rest-----	
	Totals		5477

Year 4:	<u>PASTURE</u>	<u>Period of Use</u>	<u>Active AUMs</u>
	Horse	03/01-06/15	1811
	Cottonwood	05/16-09/01	1983
	Meadow	08/01-10/30	1283
	Coils	03/01-10/30	400
	Basin	-----rest-----	
	Totals		5477

Authorized livestock use effective Year 1:

<u>PASTURE</u>	<u>NO.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>(%Fed)</u>	<u>Active AUMs</u>
Basin	463	c	03/01-06/15	100	1629
	995	s	04/01-06/15	100	497
Horse	463	c	06/01-09/15	100	1629
	995	s	05/16-08/30	100	701
Cottonwood	463	c	09/01-10/30	100	914
	995	s	08/01-10/30	100	596
Coils		c/s	03/01-10/30	100	400
Meadow			-----rest-----		
Totals					6366

Authorized livestock use effective Year 3:

<u>PASTURE</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>(%Fed)</u>	<u>Active AUMs</u>
Basin	395	c	03/01-06/15	100	1388
	845	s	04/01-06/15	100	423
Meadow	395	c	06/01-09/15	100	1388
	845	s	05/16-08/30	100	595
Cottonwood	394	c	09/01-10/30	100	777
	845	s	08/01-10/30	100	506
Coils		c/s	03/01-10/30	100	400
Basin			-----rest-----		
Totals					5477

Authorized livestock use effective Year 5:

<u>PASTURE</u>	<u>No.</u>	<u>Kind</u>	<u>Period of Use</u>	<u>(%Fed)</u>	<u>Active AUMs</u>
Basin	315	c	03/01-06/15	100	1109
	750	s	04/01-06/15	100	375
Horse	315	c	06/01-09/15	100	1109
	750	s	05/16-08/30	100	528
Cottonwood	314	c	09/01-10/30	100	619
	750	s	08/01-10/30	100	449
Coils		c/s	03/01-10/30	100	400
Meadow			-----rest-----		
	Totals				4589

These adjustments will be implemented in accordance with 43 CFR 4110.3-3(a) and (b), over a five (5) year period. Numbers of animals and periods of use will be in accordance with these schedules.

The following terms and conditions shall be made a part of all grazing permits in the Three Bars Allotment:

This permit reflects your adjusted grazing preference based upon the "Allotment Evaluation" issued for a period of 10 years. Any terms and/or conditions of this permit shall be amended or changed when additional and/or new monitoring data reflects the need to do so.

The AUMs taken as nonuse for conservation/protection purposes will be held in nonuse until such time as the Authorized Officer determines through monitoring that active use may resume. The monitoring data will be evaluated to determine the allotment carrying capacity. The data will indicate if the allotment can sustain an increase in active use.

The allotment will be managed under a rest-rotation grazing system. The authorized use shall follow the schedule outlined in the Final Multiple Use Decision for the Three Bars Allotment prior to implementing new range improvements.

Monitoring data collected each year will indicate any needed changes in the rotation schedule prior to next grazing season. Adjustments in rotation dates among pastures and allocated AUMs per pasture can be made if vegetation conditions indicate it is necessary.

When utilization has reached Land Use Plan Objectives in any given area then the permittee will have 24 hours to begin moving livestock out of that area and 96 hours (4 days) to have all livestock removed.

If portions of a pasture reach maximum utilization prior to other areas in the pasture, use may continue if livestock are kept in areas containing available forage.

If the livestock cannot be kept in the proper areas, livestock removal shall be required. The AUMs authorized for use in that pasture that are not utilized will not be used in other rotating pastures but fees paid shall be refunded.

If this monitoring is not able to be done in some years it is recommended that each pasture be monitored at the end of the grazing season, paying considerable attention to key areas and areas of critical concern. The following grazing season the licensed use and active preference shall be adjusted, based on the previous years monitoring data, to meet the LUP utilization objectives.

Active preference AUMs reduced based on monitoring shall be placed in nonuse for conservation/protection purposes and shall not be activated until suitable forage is available and approved by the authorized officer.

Sage grouse areas in Horse Pasture will be restricted two out of every three years prior to June 1st. until the pasture fence between Horse and Coils pasture is constructed. Season of use changes for these pastures will then be implemented the following grazing season. Until the fence is constructed the permittee will make an effort to minimize drift into sage grouse areas through herding, hauling water, and salting during critical periods.

Sheep will follow the rotation schedule. Sheep bedgrounds will be moved every day, sheep camps will be moved every five days, and sheep bedgrounds will not be located within one-half mile of any water sources and/or riparian areas.

Actual use information for each use area will be submitted within 15 days of completing grazing use specified on the grazing permit and grazing licenses. Livestock grazing will not be authorized the following grazing season if these reports are not filed in a timely manner.

Prior to implementing adjustments scheduled at the third and fifth year, following implementation of the decision, existing and future monitoring will be evaluated to determine if the indicated adjustments are warranted and/or if any additional modifications in existing management are necessary.

**RATIONALE:** The analysis and evaluation of available monitoring data indicate that the current management practices are not meeting all the multiple use management objectives for the Three Bars Allotment. The proposed AUM reduction and rest-rotation schedule will improve rangeland productivity. The increased intensity of management proposed in this decision will provide needed rest during critical periods for vegetation and wildlife.

The rest-rotation schedule will allow for riparian and key upland areas in each pasture to rest one out of every four years and the reduction in numbers will ensure proper use of riparian areas. Developing water in Cottonwood Pasture will reduce pressure on Cottonwood creek. In the long term, a rest-rotation system in conjunction with the new fencing will enhance sage grouse areas by distributing livestock better.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4110.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management actions approved by the authorized officer shall be in conformance with the Land Use Plan as identified at 43 CFR 16-1."

4110.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or a grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4110.3-2(b): "When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce active use if necessary to maintain or improve rangeland productivity, unless the authorized officer determines a change in management practices would achieve the management objectives."

4110.3-2(c) "Where active use is reduced it shall be held in suspension or in nonuse for conservation/protection purposes, until the authorized officer determines that active use may resume."

4110.3-3(a): "Changes in active use in excess of 10 percent shall be implemented over a 5 year period..."

4120.3-1(c): "The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under 4130.6-1 of this title."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public land and other lands under the Bureau of Land Management Administration."

4130.6-1(a): "The authorize officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under 4110.3, 4110.3-1, and 4110.3-2."

4130.6-1(b): "All permits and leases shall be made subject to cancellation, suspension, or modification for any violations of these regulations or of any term or condition of the permit or lease."

4130.6-2: "The authorized officer may specify in grazing permits an leases other terms an conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands."

#### APPEAL:

If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice within which to file such an appeal with the Shoshone-Eureka Resource Area Manager, Bureau of Land Management, 50 Bastian Rd., P.O. Box 1420, Battle Mountain, NV 89820. The appeal should state the reasons, clearly and concisely, why you think the final decision is in error. All grounds of error not stated shall be considered waived [43 CFR 4.470 (a)].

#### WILD HORSE MANAGEMENT DECISION

Monitoring data reflects that a thriving ecological balance is being obtained in Coils Pasture, but is not being maintained in Cottonwood and Meadow pastures. Based on the information provided, wild horse use in the Three Bars Allotment for this portion of the Roberts Mountain HMA shall be adjusted and managed at 697 AUMs (58 horses for 12 months).

#### RATIONALE

The analysis and evaluation of available monitoring data indicates that multiple use management objectives for wild horses on the Three Bars Allotment are only partially met. Therefore, modification in management actions are needed to meet the multiple use management objectives. Continued monitoring will be used to ensure management objectives are being met.

### AUTHORITY

The authority for this decision is contained in Section 3 (a) and (b) of the Wild Horse and Burro Act (P.L. 92-195) as amended, and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700.0-6 (a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the production capacity of their habitat."

4700.0-6 (d): "In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands."

4710.1" "Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title."

4710.3-1. "Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas."

### APPEAL:

Within 30 days of receipt of this decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in item 3 on the form.

Please provide a copy of your appeal and Statement of Reasons to the Shoshone-Eureka Resource Area Manager, Bureau of Land Management, Battle Mountain District, 50 Bastian Road, P.O. Box 1420, Battle Mountain, Nevada 89820. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error.

In addition, within 30 days of receipt of this decision you have the right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the following reasons:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay. "Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4, subpart E."

/s/ Wayne King

OCT 20 1994

Wayne King, Area Manager  
Shoshone-Eureka Resource Area

Date

	(Certified Mail No.)
cc:	
Nevada Department of Wildlife	(P 870 695 847)
Sierra Club	(P 870 695 848)
U.S. Fish and Wildlife Service	(P 870 695 849)
Animal Protection Institute	(P 870 695 851)
Nevada State Dept. of Agriculture	(P 870 695 852)
Resource Concepts, Inc.	(P 870 695 853)
Michael Blake	(P 870 695 854)
Natural Resources Defense Council	(P 870 695 855)
Nevada Cattlemen's Association	(P 870 695 856)
Nevada Department of Wildlife	(P 870 695 857)
Nye County	(P 870 695 858)
The Humane Society	(P 870 695 859)
Trout Unlimited	(P 870 695 860)
Georgia Earth Alliance	(P 870 695 861)
Nevada Farm Bureau	(P 870 695 862)
Commission for the Preservation of Wild Horses	(P 870 695 863)
Eureka County Commissioners	(P 870 695 864)
Battle Mountain Bugle	(P 870 695 865)
Wild Horse Organized Assistance	(P 870 695 866)
National Mustang Association, Inc.	(P 870 695 867)
Larralde Sheep Co.	(P 870 695 868)
Stewart Wilson	(P 870 695 869)

Lander County Commissioners  
Sierra Club-Glenn Miller  
Chuck Saulisberry  
Nevada Department of Wildlife  
Eureka County Commissioner's  
Public Land Advisory Council

(P 870 695 870)  
(P 870 695 871)  
(P 870 695 872)  
(P 870 695 873)  
(P 870 695 875)